

BILL**SECTION 116**

1 7.30 (4) (c) ~~For~~ Except with respect to inspectors who are appointed under sub.
2 (1) (b), for so long as nominees are made available by the political parties under this
3 section, appointments may be made only from the lists of submitted nominees. If the
4 lists are not submitted by November 30 of the year in which appointments are to be
5 made, the board of election commissioners shall appoint, or the mayor, president or
6 chairperson of a municipality shall nominate qualified persons whose names have
7 not been submitted. If an insufficient number of nominees appears on the lists as
8 of November 30, the board of election commissioners shall similarly appoint, or the
9 mayor, president or chairperson shall similarly nominate sufficient individuals to fill
10 the remaining vacancies. In addition, the mayor, president, or board chairperson of
11 the municipality shall similarly nominate qualified persons to serve in the inspector
12 positions authorized under sub. (1) (b). Any appointment which is made due to the
13 lack of availability of names submitted under par. (b) may be made without regard
14 to party affiliation.

15 **SECTION 117.** 7.30 (6) (a) of the statutes is amended to read:

16 7.30 (6) (a) ~~The~~ Except as provided in par. (am), the appointed election officials
17 shall hold office for 2 years and until their successors are appointed and qualified.
18 They shall serve at every election held in their ward during their term of office.

19 **SECTION 118.** 7.30 (6) (am) of the statutes is created to read:

20 7.30 (6) (am) A pupil appointed as an inspector under sub. (2) (am) shall serve
21 as an inspector only for the election for which he or she is appointed. Nothing in this
22 paragraph shall be construed to limit the number of times a pupil may be appointed
23 as an inspector.

24 **SECTION 119.** 7.30 (6) (b) of the statutes is amended to read:

BILL**SECTION 119**

1 7.30 (6) (b) Prior to the first election following the appointment of the
2 inspectors, the municipal clerk shall appoint one of the inspectors at each polling
3 place, other than an inspector who is appointed under sub. (1) (b), to serve as chief
4 inspector. No person may serve as chief inspector at any election who is not certified
5 by the board under s. 7.31 at the time of the election. The chief inspector shall hold
6 the position for the remainder of the term unless the inspector is removed by the clerk
7 or the inspector ceases to be certified under s. 7.31, except that whenever wards are
8 combined or separated under s. 5.15 (6) (b), the municipal clerk shall appoint another
9 inspector who is certified under s. 7.31 to serve as chief inspector at each polling place
10 designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector
11 at any polling place, the municipal clerk shall appoint one of the other inspectors who
12 is certified under s. 7.31 to fill the vacancy.

13 **SECTION 120.** 7.30 (6) (c) of the statutes is amended to read:

14 7.30 (6) (c) If any election official appointed under this section lacks the
15 qualifications set forth in this section, fails to attend training sessions required
16 under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official
17 duties or commits official misconduct, the municipal clerk or board of election
18 commissioners shall summarily remove the official from office and the vacancy shall
19 be filled under sub. (2) (b).

20 **SECTION 121.** 7.315 of the statutes is created to read:

21 **7.315 Training of other election officials.** (1) (a) The board shall, by rule,
22 prescribe the contents of the training that municipal clerks must provide to
23 inspectors, other than chief inspectors, to special voting deputies appointed under
24 s. 6.875, and to special registration deputies appointed under ss. 6.26 and 6.55 (6).

BILL

1 (b) 1. Except as provided in subd. 2., no individual may serve as an inspector,
2 other than a chief inspector, as a special voting deputy under s. 6.875, or as a special
3 registration deputy under s. 6.26 or 6.55 (6) at any election unless the individual has
4 completed training for that election provided by the municipal clerk pursuant to
5 rules promulgated under par. (a).

6 2. Only when an individual who has received training under subd. 1. is
7 unavailable to perform his or her election duties due to sickness, injury, or other
8 unforeseen occurrence may an individual who has not received training under subd.
9 1. be appointed to serve as an inspector, other than chief inspector, or a special voting
10 deputy or special registration deputy. The appointment of an individual to serve
11 under this subdivision shall be for a specific election and no individual may be
12 appointed under this subdivision more than one time in a 2-year period.

13 (2) The board shall, by rule, prescribe requirements for, and the content of,
14 training required of municipal clerks under s. 7.15 (1m). The board may provide such
15 training directly or arrange for such training to be provided by other organizations.
16 The rules may not require training more than once every 2 years. The rules shall
17 provide a method for notifying the relevant municipal governing body if a municipal
18 clerk fails to attend required training.

19 (3) The board may produce and periodically reissue as necessary a video
20 program for the purpose of training election officials, including special voting
21 deputies and special registration deputies. The board shall make any such program
22 available for viewing electronically through an Internet-based system.

23 **SECTION 122.** 7.32 of the statutes is amended to read:

24 **7.32 Change of election official numbers.** Notwithstanding s. 7.30 (1) (a),
25 the governing body or board of election commissioners of any municipality may by

BILL**SECTION 122**

1 resolution reduce the number of election officials and modify or rescind any similar
2 previous action. No such action may reduce the number of officials at a polling place
3 to less than 3.

4 **SECTION 123.** 7.33 (3) of the statutes is amended to read:

5 7.33 (3) Every employer shall grant to each employee who is appointed to serve
6 as an election official under s. 7.30 a leave of absence for the entire 24-hour period
7 of each election day in which the official serves in his or her official capacity. An
8 employee who serves as an election official shall provide his or her employer with at
9 least 7 days' notice of application for a leave. The municipal clerk shall verify
10 appointments upon request of any employer.

11 **SECTION 124.** 7.33 (4) of the statutes is amended to read:

12 7.33 (4) Except as otherwise provided in this subsection, each local
13 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
14 proper application under sub. (3), permit each of its employees to serve as an election
15 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
16 scheduled working hours during the period specified in sub. (3), without loss of pay
17 for scheduled working hours during the period specified in sub. (3) except as provided
18 in sub. (5), and without any other penalty. For employees who are included in a
19 collective bargaining unit for which a representative is recognized or certified under
20 subch. V of ch. 111, this subsection shall apply unless otherwise provided in a
21 collective bargaining agreement.

22 **SECTION 125.** 7.33 (6) of the statutes is amended to read:

23 7.33 (6) Each employer other than a state agency shall, upon proper application
24 under sub. (3), permit each of its employees to serve as an election official under s.
25 7.30 without loss of fringe benefits or seniority privileges earned for scheduled

BILL

1 working hours during the period specified in sub. (3), and shall not impose any other
2 penalty upon an employee who serves as an election official, except the employer
3 need not pay wages to an employee for time not worked while the employee is serving
4 as an election official.

5 **SECTION 126.** 7.37 (2) of the statutes is amended to read:

6 7.37 (2) PRESERVE ORDER. The inspectors shall possess full authority to
7 maintain order and to enforce obedience to their lawful commands during the
8 election and the canvass of the votes. They shall permit only one person in a voting
9 booth at a time and shall prevent any person from taking notice of how another
10 person has voted, except when assistance is given under s. 6.82. They shall enforce
11 s. 5.35 (5) and prevent electioneering and distribution of election-related material
12 from taking place in violation of ~~s.~~ ss. 12.03 and 12.035. If any person refuses to obey
13 the lawful commands of an inspector, or is disorderly in the presence or hearing of
14 the inspectors, interrupts or disturbs the proceedings, they may order any law
15 enforcement officer to remove the person from the voting area or to take the person
16 into custody.

17 **SECTION 127.** 7.37 (13) of the statutes is created to read:

18 7.37 (13) CLOSING OF POLLS. For each polling place, the municipal clerk shall
19 designate an official of the municipality who shall position himself or herself at the
20 end of the line of individuals waiting to vote, if any at the time that the polls officially
21 close. The official may be an inspector or special registration deputy appointed under
22 s. 6.55 (6) who serves at that polling place, an employee of the municipal clerk or a
23 police officer, Only individuals in line ahead of the official shall be permitted to vote
24 under s. 6.78 (4).

25 **SECTION 128.** 7.41 of the statutes is amended to read:

BILL

SECTION 128

1 **7.41 Public's right to access. (1)** Any member of the public may be present
2 at any polling place, in the office of any municipal clerk whose office is located in a
3 public building on any day that absentee ballots may be cast in that office, or at an
4 alternate site under s. 6.855 on any day that absentee ballots may be cast at that site
5 for the purpose of observation of an election and the absentee ballot voting process,
6 except a candidate whose name appears on the ballot at the polling place or on an
7 absentee ballot to be cast at the clerk's office or alternate site at that election. The
8 chief inspector or municipal clerk may reasonably limit the number of persons
9 representing the same organization who are permitted to observe an election under
10 this subsection at the same time.

11 **(2)** The chief inspector or municipal clerk may restrict the location of any
12 individual exercising the right under sub. (1) to certain areas within a polling place,
13 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
14 clerk shall clearly designate such an area as an observation area. Designated
15 observation areas shall be so positioned to permit any authorized individual to
16 readily observe all public aspects of the voting process.

17 **(3)** The chief inspector or municipal clerk may order the removal of any
18 individual exercising the right under sub. (1) if that individual commits an overt act
19 which:

20 (a) Disrupts the operation of the polling place, clerk's office, or alternate site
21 under s. 6.855; or

22 (b) Violates s. 12.03 (2) or 12.035.

23 **(4)** No individual exercising the right under sub. (1) may view the confidential
24 portion of a registration list maintained under s. 6.36 (4) or a poll list maintained
25 under s. 6.79 (6). However, the inspectors or municipal clerk shall disclose to such

BILL

1 an individual, upon request, the existence of such a list, the number of electors whose
2 names appear on the list, and the number of those electors who have voted at any
3 point in the proceedings. No such individual may view the certificate of an absent
4 elector who obtains a confidential listing under s. 6.47 (2).

5 **SECTION 129.** 7.41 (5) of the statutes is created to read:

6 7.41 (5) The board shall promulgate rules regarding the proper conduct of
7 individuals exercising the right under sub. (1), including the interaction of those
8 individuals with inspectors and other election officials.

9 **SECTION 130.** 7.51 (1) of the statutes is amended to read:

10 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
11 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
12 all votes received at the polling place. In any municipality where an electronic voting
13 system is used, the municipal governing body or board of election commissioners may
14 provide or authorize the municipal clerk or executive director of the board of election
15 commissioners to provide for the adjournment of the canvass to one or more central
16 counting locations for specified polling places in the manner prescribed in subch. III
17 of ch. 5. No central counting location may be used to count votes at a polling place
18 where an electronic voting system is not employed. The canvass, whether conducted
19 at the polling place or at a central counting location, shall continue without
20 adjournment until the canvass is completed and the return statements are
21 statement is made or, in municipalities where absentee ballots are canvassed under
22 s. 7.52, until the canvass of all ballots cast is completed and the return statement for
23 those ballots are made. The inspectors shall not permit access to the name of any
24 elector who has obtained a confidential listing under s. 6.47 (2) during the canvass,
25 except as authorized in s. 6.47 (8).

BILL**SECTION 131**

1 **SECTION 131.** 7.51 (2) (c) of the statutes is amended to read:

2 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
3 electors as indicated on the poll list, the inspectors shall place all ballots face up to
4 check for blank ballots. In this paragraph, “blank ballot” means a ballot on which
5 no votes are cast for any office or question. The inspectors shall mark, lay aside and
6 preserve any blank ballots. If Except in municipalities where absentee ballots are
7 canvassed under s. 7.52, if the number of ballots still exceeds the number of voting
8 electors, the inspectors shall place all ballots face down and proceed to check for the
9 initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the
10 initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal
11 clerk. During the count the inspectors shall count those ballots cast by challenged
12 electors the same as the other ballots.

13 **SECTION 132.** 7.51 (2) (e) of the statutes is amended to read:

14 7.51 (2) (e) If, Except in municipalities where absentee ballots are canvassed
15 under s. 7.52, if after any ballots have been laid aside, the number of ballots still
16 exceeds the total number of electors recorded on the poll list, the inspectors shall
17 separate the absentee ballots from the other ballots. If there is an excess number of
18 absentee ballots, the inspectors shall place the absentee ballots in the ballot box and
19 one of the inspectors shall publicly and without examination draw therefrom by
20 chance the number of ballots equal to the excess number of absentee ballots. If there
21 is an excess number of ~~other~~ nonabsentee ballots, the inspectors shall place those
22 ballots in the ballot box and one of the inspectors shall publicly and without
23 examination draw therefrom by chance the number of ballots equal to the excess
24 number of those ballots. All ballots so removed may not be counted but shall be
25 specially marked as having been removed by the inspectors on original canvass due

BILL

1 to an excess number of ballots, set aside and preserved. When the number of ballots
2 and total shown on the poll list agree, the inspectors shall return all ballots to be
3 counted to the ballot box and shall turn the ballot box in such manner as to
4 thoroughly mix the ballots. The inspectors shall then open, count and record the
5 number of votes. When the ballots are counted, the inspectors shall separate them
6 into piles for ballots similarly voted. Objections may be made to placement of ballots
7 in the piles at the time the separation is made.

8 **SECTION 133.** 7.51 (3) (d) of the statutes is amended to read:

9 7.51 (3) (d) All Except in municipalities where absentee ballots are canvassed
10 under s. 7.52, all absentee certificate envelopes which have been opened shall be
11 returned by the inspectors to the municipal clerk in a securely sealed carrier
12 envelope which is clearly marked “used absentee certificate envelopes”. The
13 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
14 the ballots are used in a municipal or school district election only, the municipal clerk
15 shall transmit the used envelopes to the county clerk.

16 **SECTION 134.** 7.51 (4) (a) of the statutes is amended to read:

17 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
18 office and for each individual receiving votes for that office, whether or not the
19 individual’s name appears on the ballot, and shall state the vote for and against each
20 proposition voted on. Upon completion of the tally sheets, the inspectors shall
21 immediately complete the inspectors’ ~~statements in duplicate~~ statement. The
22 inspectors shall state the excess, if any, by which the number of ballots exceeds the
23 number of electors voting as shown by the poll list and shall state the number of the
24 last elector as shown by the poll lists. At least 3 inspectors, including the chief
25 inspector and, unless election officials are appointed under s. 7.30 (4) (c) without

BILL**SECTION 134**

1 regard to party affiliation, at least one inspector representing each political party,
2 but not including any inspector appointed under s. 7.30 (1) (b), shall then certify to
3 the correctness of the statements statement and tally sheets and sign their names.
4 All other election officials assisting with the tally shall also certify to the correctness
5 of the tally sheets. When the tally is complete, the inspectors shall publicly announce
6 the results from the statements statement.

7 **SECTION 135.** 7.51 (5) (a) of the statutes is amended to read:

8 7.51 (5) (a) 1. The inspectors shall make full and accurate return of the votes
9 cast for each candidate and proposition on tally sheet forms provided by the
10 municipal clerk for that purpose. Each tally sheet shall record the returns for each
11 office or referendum by ward, unless combined returns are authorized in accordance
12 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
13 of combined wards.

14 2. After recording the votes, the inspectors shall seal in a carrier envelope
15 outside the ballot bag or container ~~one inspectors' statement under sub. (4) (a), one~~
16 tally sheet, and one poll list for delivery to the county clerk, unless the election relates
17 only to municipal or school district offices or referenda.

18 3. The inspectors shall also ~~similarly seal one~~ the inspectors' statement, inside
19 a separate carrier envelope, and shall similarly seal in a separate carrier envelope
20 one tally sheet, and one poll list for delivery to the municipal clerk. For school district
21 elections, except in 1st class cities, the inspectors shall ~~similarly seal one inspectors'~~
22 ~~statement,~~ one tally sheet, and one poll list for delivery to the school district clerk.

23 4. The inspectors shall immediately deliver all ballots, statements, tally sheets,
24 lists, and envelopes to the municipal clerk.

25 **SECTION 136.** 7.51 (5) (a) 5. of the statutes is created to read:

BILL**SECTION 136**

1 7.51 (5) (a) 5. Upon receipt of the materials under subd. 4., the municipal clerk
2 shall make sufficient copies of the inspectors' statement under sub. (4) (a) and seal
3 one copy of the statement inside a carrier envelope together with the envelope
4 containing any materials required to be delivered to the county clerk or the school
5 district clerk. The municipal clerk shall retain the original inspectors' statement.

6 **SECTION 137.** 7.51 (5) (b) of the statutes is amended to read:

7 7.51 (5) (b) The municipal clerk shall ~~arrange for delivery of~~ deliver all ballots,
8 statements, tally sheets, lists, and envelopes relating to a school district election to
9 the school district clerk by 4 p.m. on the day following each such election. The
10 municipal clerk shall deliver the ballots, statements, tally sheets, lists, and
11 envelopes for his or her municipality relating to any county, technical college district,
12 state, or national election to the county clerk by 2 4 p.m. on the day following each
13 such election or, in municipalities where absentee ballots are canvassed under s.
14 7.52, by 4. p.m. on the 2nd day following each such election. The person delivering
15 the returns shall be paid out of the municipal treasury. Each clerk shall retain
16 ballots, statements, tally sheets, or envelopes received by the clerk until destruction
17 is authorized under s. 7.23 (1).

18 **SECTION 138.** 7.52 of the statutes is created to read:

19 **7.52 Canvassing of absentee ballots.** (1) (a) The governing body of any
20 municipality may provide by ordinance that, in lieu of canvassing absentee ballots
21 at polling places under s. 6.88, the municipal board of absentee ballot canvassers
22 designated under s. 7.53 (2m) shall canvass all absentee ballots at all elections held
23 in the municipality. Prior to enacting an ordinance under this subsection, the
24 municipal clerk or board of election commissioners of the municipality shall notify
25 the board in writing of the proposed enactment and shall consult with the board

BILL**SECTION 138**

1 concerning administration of this section. At every election held in the municipality
2 following enactment of an ordinance under this subsection, the board of absentee
3 ballot canvassers shall, any time after the opening of the polls and before 10 p.m. on
4 election day, publicly convene to count the absentee ballots for the municipality. The
5 municipal clerk shall give at least 48 hours' notice of any meeting under this
6 subsection. Any member of the public has the same right of access to a meeting of
7 the municipal absentee ballot board of canvassers under this subsection that the
8 individual would have under s. 7.41 to observe the proceedings at a polling place. The
9 board of absentee ballot canvassers may order the removal of any individual
10 exercising the right to observe the proceedings if the individual disrupts the meeting.
11 (c) (b) In each municipality where absentee ballots are canvassed under this
12 section, no later than the closing hour of the polls, the municipal clerk shall post at
13 his or her office and on the Internet at a site announced by the clerk before the polls
14 open, and shall make available to any person upon request, a statement of the
15 number of absentee ballots that the clerk has mailed or transmitted to electors and
16 that have been returned by the closing hour on election day. The posting shall not
17 include the names or addresses of any electors.

18 (2) In counting the absentee ballots, the board of absentee ballot canvassers
19 shall use 2 duplicate copies of a single poll list for the entire municipality prepared
20 in accordance with s. 6.36 (2). Upon accepting each absentee ballot, the board of
21 absentee ballot canvassers shall enter a poll list number on the poll list next to the
22 name of the elector who voted the ballot, beginning with the number one. If the
23 elector's name does not appear on the poll list, the board of absentee ballot
24 canvassers shall enter the number on a separate list maintained under this
25 subsection.

BILL

1 (3) (a) The board of absentee ballot canvassers shall first open the carrier
2 envelope only, and, in such a manner that a member of the public, if he or she desired,
3 could hear, announce the name of the absent elector or the identification serial
4 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
5 When the board of absentee ballot canvassers finds that the certification has been
6 properly executed and the applicant is a qualified elector of the ward or election
7 district, the board of absentee ballot canvassers shall enter an indication on the poll
8 list next to the applicant's name indicating an absentee ballot is cast by the elector.
9 The board of absentee ballot canvassers shall then open the envelope containing the
10 ballot in a manner so as not to deface or destroy the certification thereon. The board
11 of absentee ballot canvassers shall take out the ballot without unfolding it or
12 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
13 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
14 the issuing clerk. If the poll list indicates that proof of residence is required and no
15 proof of residence is enclosed or the name or address on the document that is provided
16 is not the same as the name and address shown on the poll list, the board of absentee
17 ballot canvassers shall proceed as provided under s. 6.97 (2). The board of absentee
18 ballot canvassers shall mark the poll list number of each elector who casts an
19 absentee ballot on the back of the elector's ballot. The board of absentee ballot
20 canvassers shall then deposit the ballot into the proper ballot box and enter the
21 absent elector's name or poll list number after his or her name on the poll list.

22 (b) When the board of absentee ballot canvassers finds that a certification is
23 insufficient, that the applicant is not a qualified elector in the ward or election
24 district, that the ballot envelope is open or has been opened and resealed, that the
25 ballot envelope contains more than one ballot of any one kind, or that the certificate

BILL**SECTION 138**

1 of an elector who received an absentee ballot by facsimile transmission or electronic
2 mail is missing, or if proof is submitted to the board of absentee ballot canvassers that
3 an elector voting an absentee ballot has since died, the board of absentee ballot
4 canvassers shall not count the ballot. Each member of the board of absentee ballot
5 canvassers shall endorse every ballot not counted on the back as “rejected (giving the
6 reason).” The board of absentee ballot canvassers shall reinsert each rejected ballot
7 into the certificate envelope in which it was delivered and enclose the certificate
8 envelopes and ballots, and securely seal the ballots and envelopes in an envelope
9 marked for rejected absentee ballots. The board of absentee ballot canvassers shall
10 endorse the envelope as “rejected ballots,” with a statement of the ward or election
11 district and date of the election, and each member of the board of absentee ballot
12 canvassers shall sign the statement. The board of absentee ballot canvassers shall
13 then return the envelope containing the ballots to the municipal clerk.

14 (4) (a) The board of absentee ballot canvassers shall then open the ballot box
15 and remove and count the number of ballots therein without examination except as
16 is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded
17 together so as to appear as a single ballot, the board of absentee ballot canvassers
18 shall lay them aside until the count is completed; and if, after a comparison of the
19 count and the appearance of the ballots it appears to the board of absentee ballot
20 canvassers that the ballots folded together were voted by the same person they shall
21 not be counted but the board of absentee ballot canvassers shall mark them as to the
22 reason for removal, set them aside, and carefully preserve them. The board of
23 absentee ballot canvassers shall then proceed under par. (b).

24 (b) When during the counting of the ballots cast at an election the board of
25 absentee ballot canvassers finds that a ballot is so defective that it cannot determine

BILL

1 with reasonable certainty for whom it was cast, the board of absentee ballot
2 canvassers shall so mark the ballot and preserve it. The board of absentee ballot
3 canvassers shall not count the vote cast on the ballot for any office for which it
4 determines the ballot to be defective.

5 (c) Whenever the number of ballots exceeds the number of voting electors as
6 indicated on the poll list, the board of absentee ballot canvassers shall place all
7 ballots face up to check for blank ballots. In this paragraph, “blank ballot” means
8 a ballot on which no votes are cast for any office or question. The board of absentee
9 ballot canvassers shall mark, lay aside, and preserve any blank ballots. If the
10 number of ballots still exceeds the number of voting electors, the board of absentee
11 ballot canvassers shall place all ballots face down and proceed to check for the
12 initials. The board of absentee ballot canvassers shall mark, lay aside, and preserve
13 any ballot not bearing the initials of the municipal clerk. During the count, the board
14 of absentee ballot canvassers shall count those ballots cast by challenged electors the
15 same as the other ballots.

16 (d) The board of absentee ballot canvassers shall keep a written statement, in
17 duplicate, of the number of ballots set aside and the number of defective ballots and
18 challenged ballots. The statement shall contain a record of the reasons for setting
19 aside each ballot and the reasons why each defective or challenged ballot is defective
20 or challenged. The board of absentee ballot canvassers shall certify that the
21 statement is correct, sign it, and attach it to the tally sheets.

22 (e) If, after any ballots have been set aside, the number of ballots still exceeds
23 the total number of electors recorded on the poll list, the board of absentee ballot
24 canvassers shall place the absentee ballots in the ballot box and one of the members
25 shall publicly and without examination draw therefrom by chance the number of

BILL**SECTION 138**

1 ballots equal to the excess number of ballots. All ballots so removed shall not be
2 counted but shall be specially marked as having been removed by the board of
3 absentee ballot canvassers on original canvass due to an excess number of ballots,
4 set aside, and preserved. When the number of ballots and total shown on the poll list
5 agree, the board of absentee ballot canvassers shall return all ballots to be counted
6 to the ballot box and shall turn the ballot box in such manner as to thoroughly mix
7 the ballots. The board of absentee ballot canvassers shall then open, count, and
8 record the number of votes. When the ballots are counted, the board of absentee
9 ballot canvassers shall separate them into piles for ballots similarly voted.
10 Objections may be made to placement of ballots in the piles at the time the separation
11 is made.

12 (f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10
13 (3), only the votes cast on the corrected ballots may be counted for any office or
14 referendum in which the original ballots differ from the corrected ballots.

15 (g) The board of absentee ballot canvassers shall place together all ballots
16 counted by it that relate to any national, state, or county office or any state, county,
17 or technical college district referendum and secure them together so they cannot be
18 untied or tampered with without breaking the seal. The secured ballots, together
19 with any ballots marked "Defective," shall then be secured by the board of absentee
20 ballot canvassers in the ballot container in such a manner that the container cannot
21 be opened without breaking the seals or locks, or destroying the container. The board
22 of absentee ballot canvassers shall place the ballots cast under s. 6.97 in a separate,
23 securely sealed carrier envelope which is clearly marked "Section 6.97 ballots." Each
24 member of the board of absentee ballot canvassers shall sign the carrier envelope.
25 The carrier envelope shall not be placed in the ballot container. The board of

BILL

1 absentee ballot canvassers shall then deliver the ballots to the municipal clerk in the
2 ballot container and carrier envelope.

3 (h) For ballots that relate only to municipal or school district offices or
4 referenda, the board of absentee ballot canvassers, in lieu of par. (a), after counting
5 the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper
6 over the slots, sign their names to the paper, and deliver them and the keys therefor
7 to the municipal or school district clerk. The clerk shall retain the ballots until
8 destruction is authorized under s. 7.23.

9 (i) All absentee certificate envelopes that have been opened shall be returned
10 by the board of absentee ballot canvassers to the municipal clerk in a securely sealed
11 carrier envelope that is clearly marked “used absentee certificate envelopes.” The
12 envelopes shall be signed by each member of the board of absentee ballot canvassers.
13 Except when the ballots are used in a municipal or school district election only, the
14 municipal clerk shall transmit the used envelopes to the county clerk.

15 (5) The vote of any absent elector may be challenged for cause and the board
16 of absentee ballot canvassers shall have all the power and authority given the
17 inspectors to hear and determine the legality of the ballot the same as if the ballot
18 had been voted in person.

19 (6) (a) The board of absentee ballot canvassers shall review each certificate
20 envelope to determine whether any absentee ballot is cast by an elector whose name
21 appears on the poll list as ineligible to vote at the election, including ineligibility to
22 vote by reason of a felony conviction. If the board of absentee ballot canvassers
23 receives an absentee ballot that has been cast by an elector whose name appears on
24 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same
25 manner as provided for inspectors making challenges under s. 6.92 and shall treat

BILL**SECTION 138**

1 the ballot in the manner as provided for treatment of challenged ballots by inspectors
2 under s. 6.95.

3 (b) Any elector may challenge for cause any absentee ballot. For the purpose
4 of deciding upon ballots that are challenged for any reason, the board of absentee
5 ballot canvassers may call before it any person whose absentee ballot is challenged
6 if the person is available to be called. If the person challenged refuses to answer fully
7 any relevant questions put to him or her by the board of absentee ballot canvassers
8 under s. 6.92, the board of absentee ballot canvassers shall reject the person's vote.
9 If the challenge is not withdrawn after the person offering to vote has answered the
10 questions, one of the members of the board of absentee ballot canvassers shall
11 administer to the person the following oath or affirmation: "You do solemnly swear
12 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
13 are now and for 10 days have been a resident of this ward except under s. 6.02 (2),
14 stats.; you have not voted at this election; you have not made any bet or wager or
15 become directly or indirectly interested in any bet or wager depending upon the
16 result of this election; you are not on any other ground disqualified to vote at this
17 election." If the person challenged refuses to take the oath or affirmation, the
18 person's vote shall be rejected. If the person challenged answers fully all relevant
19 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,
20 takes the oath or affirmation, and fulfills the applicable registration requirements,
21 and if the answers to the questions given by the person indicate that the person meets
22 the voting qualification requirements, the person's vote shall be received.

23 (7) The board of absentee ballot canvassers shall maintain tally sheets on
24 forms provided by the municipal clerk, which shall state the total number of votes
25 cast for each office and for each individual receiving votes for that office, whether or

BILL

1 not the individual's name appears on the ballot, and shall state the vote for and
2 against each proposition voted on. Upon completion of the canvass of the absentee
3 ballots, the board of absentee ballot canvassers shall immediately complete
4 statements in duplicate. The statements shall state the excess, if any, by which the
5 number of ballots exceeds the number of electors voting as shown by the poll list used
6 by the board of absentee ballot canvassers under this section and shall state the poll
7 list number of the last elector as shown by the poll list. Each member of the board
8 of absentee ballot canvassers shall then certify to the correctness of the statements
9 and tally sheets and sign their names. All other election officials assisting with the
10 tally shall also certify to the correctness of the tally sheets. When the tally is
11 complete, the board of absentee ballot canvassers shall publicly announce the results
12 from the statements, and the records of the count are open to public inspection and
13 copying under s. 19.35 (1).

14 (8) The board of absentee ballot canvassers shall make full and accurate return
15 of the votes cast for each candidate and proposition on the tally sheet forms. Each
16 tally sheet shall record the returns for each office or referendum by ward, unless
17 combined returns are authorized in accordance with s. 5.15 (6) (b), in which case the
18 tally sheet shall record the returns for each group of combined wards. After
19 recording the votes, the board of absentee ballot canvassers shall seal in a carrier
20 envelope outside the ballot bag or container one inspector's statement under sub. (4)
21 (d), one tally sheet, and one poll list for delivery to the county clerk, unless the
22 election relates only to municipal or school district offices or referenda. The board
23 of absentee ballot canvassers shall also similarly seal one statement, one tally sheet,
24 and one poll list for delivery to the municipal clerk.

BILL**SECTION 138**

1 (9) The governing body of any municipality that has provided by ordinance
2 enacted under sub. (1) for the canvassing of absentee ballots at all elections held in
3 the municipality under this section may by similar action rescind that decision.
4 Thereafter, the absentee ballots at all elections held in the municipality shall be
5 canvassed as provided in s. 6.88.

6 **SECTION 139.** 7.53 (1) of the statutes is amended to read:

7 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality
8 constitutes one ward or combines all wards to utilize a single polling place under s.
9 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted
10 publicly under s. 7.51 and the inspectors, other than any inspector appointed under
11 s. 7.30 (1) (b), shall act as the municipal board of canvassers. In municipalities where
12 absentee ballots are canvassed under s. 7.52, after the canvass of the absentee ballots
13 is completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the
14 poll list of the electors who vote by absentee ballot with the corresponding poll list
15 of the electors who vote in person to ensure that no elector is allowed to cast more
16 than one ballot. If an elector who votes in person has submitted an absentee ballot,
17 the absentee ballot is void. Upon completion of the canvass under this subsection and
18 any canvass that is conducted under s. 7.52 and ascertainment of the results by the
19 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,
20 by the inspectors and the board of absentee ballot canvassers, the municipal clerk
21 shall publicly read to the inspectors or the board of absentee ballot canvassers the
22 names of the persons voted for and the number of votes for each person for each
23 municipal office, the names of the persons declared by the inspectors or board of
24 absentee ballot canvassers to have won nomination or election to each municipal

BILL

1 office, and the number of votes cast for and against each municipal referendum
2 question.

3 **SECTION 140.** 7.53 (2) (a) of the statutes is amended to read:

4 7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers
5 for municipal elections in each municipality utilizing more than one polling place
6 shall be composed of the municipal clerk and 2 other qualified electors of the
7 municipality appointed by the clerk. The members of the board of canvassers shall
8 serve for 2-year terms commencing on January 1 of each odd-numbered year, except
9 that any member who is appointed to fill a permanent vacancy shall serve for the
10 unexpired term of the original appointee.

11 2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or
12 her duties ~~or if the clerk is a candidate at an election being canvassed~~, the mayor,
13 president or board chairperson of the municipality shall designate another qualified
14 elector of the municipality to serve in lieu of the clerk for that election.

15 4. If any other member of the board of canvassers is a candidate at the election
16 being canvassed, the clerk shall appoint another qualified elector of the municipality
17 to temporarily fill the vacancy.

18 **SECTION 141.** 7.53 (2) (a) 3. of the statutes is created to read:

19 7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk
20 may perform his or her duties on the board of canvassers only if the clerk does not
21 have an opponent whose name appears on the ballot, or in the case of a recount, if
22 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate
23 at the election being canvassed and has an opponent whose name appears on the
24 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president

BILL**SECTION 141**

1 of board chairperson of the municipality shall designate another qualified elector of
2 the municipality to serve in lieu of the elector for that election.

3 **SECTION 142.** 7.53 (2) (d) of the statutes is amended to read:

4 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
5 returns of every ~~municipal~~ election. The canvass shall begin within 24 hours after
6 the polls close. After any canvass of the absentee ballots is completed under s. 7.52,
7 the board of canvassers shall reconcile the poll list of the electors who vote by
8 absentee ballot with the corresponding poll list of the electors who vote in person to
9 ensure that no elector is allowed to cast more than one ballot. If an elector who votes
10 in person has submitted an absentee ballot, the absentee ballot is void. At the spring
11 election, the board of canvassers shall publicly declare the results on or before the
12 2nd Tuesday in April. The board of canvassers shall prepare a statement showing
13 the results of each election for any municipal office and each municipal referendum.
14 After each primary for municipal offices, the board of canvassers shall prepare a
15 statement certifying the names of those persons who have won nomination to office.
16 After each other election for a municipal office and each municipal referendum, the
17 board of canvassers shall prepare a determination showing the names of the persons
18 who are elected to each municipal office and the results of each municipal
19 referendum. The board of canvassers shall file each statement and determination
20 in the office of the municipal clerk or board of election commissioners.

21 **SECTION 143.** 7.53 (2m) of the statutes is created to read:

22 7.53 (2m) BOARD OF ABSENTEE BALLOT CANVASSERS. (a) If a municipality elects
23 to count absentee ballots in the manner provided for in s. 7.52, the municipality shall
24 establish a board of absentee ballot canvassers as provided in par. (b).

BILL

(b) Except as provided in par. (c), the municipal board of absentee ballot canvassers shall be composed of the municipal clerk, or a qualified elector of the municipality designated by the clerk, and 2 other qualified electors of the municipality appointed by the clerk. The members of the ~~absentee ballot~~ board of ~~absentee ballot~~ canvassers shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. If the municipal clerk's office is vacant or if the clerk and the clerk's designee cannot perform his or her duties, the mayor, president, or board chairperson of the municipality shall designate another qualified elector of the municipality to serve in lieu of the clerk for that election. If the clerk is a candidate at an election being canvassed, the clerk or the clerk's designee may perform the clerk's duties on the board of absentee ballot canvassers only if the clerk does not have an opponent whose name appears on the ballot. If the clerk is a candidate at the election being canvassed by the board of absentee ballot canvassers and has an opponent whose name appears on the ballot, the mayor, president, or board chairperson of the municipality shall designate another qualified elector of the municipality to serve in lieu of the clerk and his or her designee for that election. If any other member of the board of absentee ballot canvassers is a candidate at the election being canvassed, the clerk shall appoint another qualified elector of the municipality to temporarily fill the vacancy.

(c) Nothing in this subsection precludes a municipal clerk from appointing individuals to the board of absentee ballot canvassers who are simultaneously serving on any other board of canvassers.

SECTION 144. 7.60 (2) of the statutes is amended to read: